



U.S. Department of Justice

*United States Attorney
Eastern District of Wisconsin*

517 East Wisconsin Avenue

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Milwaukee, WI 53202

December 23, 2009

Hon. Aaron E. Goodstein
U.S. Magistrate Judge
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

Re: *United States v. Derrick Avery*, Case No. 09-CR-196

Dear Magistrate Judge Goodstein:

The United States opposes the “Defendant’s Motion for Pre-Trial Release,” filed on December 21, 2009, and takes the position that pretrial detention of the defendant is necessary for the protection of the public, the safeguarding of the integrity of the judicial proceedings, and to prevent the defendant’s flight.

As preliminary support of this position the United States relies first, on the rebuttable presumption found in 18 U.S.C. § 3142(e)(3)(E) for the most serious charges in the indictment, two counts under 18 U.S.C. § 1591 “Sex Trafficking of Children by Force, Fraud, or Coercion.” These counts carry a minimum mandatory term of imprisonment of 15 years and a maximum of life in prison.

Second, the United States relies on the allegations in the conspiracy count of the superseding indictment, handed down on December 8, 2009, and the allegations found in the 26-page affidavit to the criminal complaint, filed on July 20, 2009. Those allegations detail a brutal multi-state, multi-year, sex trafficking business run by this defendant.

In addition to the allegations in the superseding indictment and criminal complaint, the United States holds extensive evidence of the defendant’s attempts – successful until his arrest – to obstruct the grand jury’s investigation and intimidate witnesses called to testify there about his sex trafficking activities.

Furthermore, the United States holds reliable information that the defendant intended to flee the United States for Cuba in the event he was charged in this district with sex trafficking crimes.

If the Court believes a hearing is necessary on the defendant's motion, our proof will detail the above-described activities. Your undersigned will be available for a hearing on this matter after January 4, 2010.

Very truly yours,

MICHELLE L. JACOBS
United States Attorney

By:

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